

## **1083.0.0     DOCUMENT AND RECORD DISPOSITION**

This establishes a timetable for the maintenance of all Department of Human Services (DHS) documents and records. The schedule should permit unneeded records to be destroyed or discarded, while assuring that all records necessary for client services, potential litigation, or audits are retained. "Records" means data compilation in any form. This policy is applicable to all divisions/offices within DHS.

### **1083.1.0     Retention of Documents and Records**

- 1083.1.1     All client files must be retained for five years after the file is closed or the last case activity.
- 1083.1.2     All personnel files must be retained for five years after the person resigns or is terminated.
- 1083.1.3     All child protective services, foster care, supportive services and child maltreatment records must be retained for five years after the youngest child has reached the age of 21 years.
- 1083.1.4     All adoption records must be retained for 99 years.
- 1083.1.5     All rules must be retained until superseded. Superseded rules must be retained on an as-needed basis.
- 1083.1.6     All records relating to a person or entity contracting with DHS must be retained for five years after the contract ends or is terminated.
- 1083.1.7     All administrative records, including programmatic financial records, must be retained for five years after the end of the biennium in which the records were produced.
- 1083.1.8     All unfounded adult protective service records will be maintained in accordance with A.C.A. 5-29-212. Founded adult protective service records will be retained for five years from the date of receipt of the report. All adult protective service custody records will be retained for five years after the custody case is dismissed.
- 1083.1.9     Any record which is the subject of an investigation or audit, or of a review, claim, grievance, formal dispute or of any litigation, must be retained for one year after the conclusion of the proceeding or for the time otherwise specified in this rule, whichever is longer.

### **1083.2.0     Retention of Privacy Related Documents**

- 1083.2.1     DHS will retain for a minimum of six years all documentation related to Protected Health Information including:
  - Policies and procedures;
  - Other communications as required by such policies and procedures; and
  - Any action, activity or designation as it relates to DHS privacy policies and procedures, including authorization forms, client rights forms and the acknowledgement of receipt of the DHS Notice of Privacy Practices.

- 1083.2.2 DHS will review existing storage retention schedules for privacy related information and determine if current schedules allow for the six-year retention requirement. Note: Retention of PHI is required for six years from the date of its creation or the date when it last was in effect, whichever is later.
- 1083.2.3 Where existing storage retention schedules for privacy related information do not allow for the required six years, the DHS managers and supervisors will determine whether to adjust the existing schedule, or purge all documentation within the current schedule except privacy related information as noted in DHS Policy 4000 – Privacy Policy.
- 1083.3.0 Disposal of Documents and Records that are no Longer Needed**
- 1083.3.1 Confidential records must be disposed of by shredding or burning or in compliance with the HIPAA Privacy Standards. This determination must be made by the director, administrator, manager or privacy officer of the office having responsibility for the records or documents. Routine paper files shall be destroyed in the most convenient manner accessible at the end of their retention period.
- 1083.3.2 There is a period of time in which agency records are neither active nor have reached the limits of their retention period. During this time the original records may be transferred to any other permanent medium such as microfilm or disk and then the original may be destroyed – keeping in mind that other mediums have the same retention requirements as paper.
- 1083.3.3 Any unique or unusual problems concerning the retention or destruction of records/documents should be referred to the Chief Administrative Officer, Office of Administrative Services.

**1083.4.0 Originating Section/Division Contact**

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Replacement Notation: This policy replaces DHS 1083 dated November 10, 1998